

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0812

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB239** - 2/24/98

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Governor

1 FOR AN ACT ENTITLED, An Act to impose legal responsibility and tort liability for
2 environmental damages caused by the negligent entrustment of livestock to another or
3 negligent control or specification of design, construction, or operational instruction of
4 livestock facilities.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. Terms used in this Act mean:

- 7 (1) "Person," any corporation, family farm corporation, limited liability corporation,
8 cooperative association, partnership, limited partnership, limited liability partnership,
9 joint venture, natural person, or other legally established entity of any sort;
- 10 (2) "Livestock," includes cattle, poultry, bison, sheep, swine, goats, and horses;
- 11 (3) "Ownership interest," includes any partial, fractional, or complete ownership of an
12 interest in livestock, but does not include any lien or security interest attaching to
13 livestock;
- 14 (4) "Environmental damages," includes all damages arising from contamination or
15 pollution of air, water, real or personal property, livestock, wild animals, birds, fish,

1 or other aquatic life, or injury to human beings from a location within the State of
2 South Dakota, including contamination or pollution, as defined in Title 34A.

3 Section 2. Any person who holds an ownership interest in livestock and negligently entrusts
4 the possession or control of that livestock to another person shall be jointly and severally liable
5 for all environmental damages which are caused by the acts or omissions of the person entrusted
6 with those livestock and which arise from the possession or control of that livestock.

7 Section 3. Any person who holds an ownership interest in livestock and controls or specifies
8 through a contract or other business relationship the design, construction, or operational
9 instructions of the facilities which care for that livestock shall be jointly and severally liable for
10 all environmental damages which are caused by such person's negligent design, negligent
11 construction, or negligent operational instructions for the livestock facility.

1 **BILL HISTORY**

2 1/27/98 First read in Senate and referred to Agriculture and Natural Resources. S.J. 214

3 2/3/98 Scheduled for Committee hearing on this date.

4 2/3/98 Agriculture and Natural Resources Deferred to another day, AYES 5, NAYS 4.

5 2/5/98 Agriculture and Natural Resources Do Pass Amended, Passed. S.J. 349

6 2/9/98 Senate Deferred to another day. S.J. 388

7 2/10/98 Senate Do Pass Amended, Passed, AYES 34, NAYS 0. S.J. 422

8 2/11/98 First read in House and referred to Judiciary. H.J. 592

9 2/23/98 Scheduled for Committee hearing on this date.

10 2/23/98 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 832